

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— V. —

AUSTIN KEY,

Defendant.

INFORMATION

S1 07 Cr. 995 (AKH)

BY

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COUNT ONE

The United States Attorney charges:

1. From at least in or about April 2007 to in or about August 2007, in the Southern District of New York and elsewhere, AUSTIN KEY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 201 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that AUSTIN KEY, the defendant, and others known and unknown at least one of whom was a public official, corruptly demanded, sought, received, accepted, and agreed to receive a thing of value personally in return for being influenced in the performance of an official act, and in return for committing and aiding in committing, and colluding in and allowing a fraud on the United States, to wit, KEY and others known and unknown, accepted tens

of thousands of dollars in cash in exchange for accompanying contractors' fuel trucks to the fuel depot at Camp Liberty in Iraq to obtain fuel to which the contractors were not entitled.

OVERT ACT

3. In furtherance of the charged conspiracy and to effect the illegal objects thereof, the following overt act, among others, were committed in the Southern District of New York and elsewhere:

a. In or about August 2007, AUSTIN KEY, the defendant, accompanied an 11,000-gallon fuel tanker to the fuel depot at Camp Liberty, Iraq.

(Title 18, United States Code, Section 371.)

COUNT TWO

The United States Attorney charges:

4. In or about August 2007, in the Southern District of New York and elsewhere, AUSTIN KEY, the defendant, being a public official, corruptly demanded, sought, received, accepted, and agreed to receive a thing of value personally in return for being influenced in the performance of an official act, and in return for committing and aiding in committing, and colluding in and allowing a fraud on the United States, to wit, KEY, a United States Army Captain responsible for procurement in Baghdad, Iraq, accepted \$50,000 in cash in exchange for, among other things,

offering to steer United States Army contracts to a particular company.

(Title 18, United States Code, Section 201.)

COUNT THREE

The United States Attorney further charges:

5. In or about November 2006, in the Southern District of New York, AUSTIN KEY, the defendant, unlawfully, willfully, and knowingly did embezzle, steal, purloin, and knowingly convert to his own use and the use of another, and without authority, did sell, convey, and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, and did receive, conceal and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined, and converted, to wit, AUSTIN KEY stole several hundred dollars from a U.S. Army petty cash fund at Camp Liberty, Iraq.

(Title 18, United States Code, Section 641.)

COUNT FOUR

The United States Attorney further charges:

6. In or about February 2007, in the Southern District of New York, AUSTIN KEY, the defendant, unlawfully, willfully, and knowingly did embezzle, steal, purloin, and

knowingly convert to his own use and the use of another, and without authority, did sell, convey, and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, and did receive, conceal and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined, and converted, to wit, AUSTIN KEY stole several thousand rounds of U.S. Army ammunition and sold them to a contractor at Camp Liberty, Iraq, for approximately \$400.

(Title 18, United States Code, Section 641.)

COUNT FIVE

The United States Attorney further charges:

7. In or about June 2007, in the Southern District of New York, AUSTIN KEY, the defendant, unlawfully, willfully, and knowingly did embezzle, steal, purloin, and knowingly convert to his own use and the use of another, and without authority, did sell, convey, and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, and did receive, conceal and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined, and converted, to wit, AUSTIN KEY stole approximately 150 gallons of oil which a co-conspirator not

named herein intended to sell to a contractor at Camp Liberty, Iraq.

(Title 18, United States Code, Sections 641 and 2.)

COUNT SIX

The United States Attorney further charges:

8. In or about August 2006, in the Southern District of New York, AUSTIN KEY, the defendant, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the proceeds of a bribe, knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the specified unlawful activity.

(Title 18, United States Code, Section 1956(a)(1)(B)(i).)

FORFEITURE ALLEGATION

1. As the result of committing one or more of the offenses in violation of 18 U.S.C. §§ 201, 371, 641, and 1956 alleged in Counts One through Six of this Superseding

Information, AUSTIN KEY, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of these offenses, including but not limited to the amount of proceeds obtained as a result of the offenses, including but not limited to at least \$108,000 in United States currency.

Substitute Asset Provision

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;


(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of said
defendant(s) up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C) and 982;
Title 21, United States Code, Section 853(p);
Title 28, United States Code, Section 2461.)



17 MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendant.

SUPERSEDING INFORMATION

S1 07 Cr. 995 (AKH)

MICHAEL J. GARCIA
United States Attorney.

12/19/07

Waiver & Information filed
Def't pres. w/atty Raymond Granger; AUSAs, Katherine Nemire &
Iris Hein pres. Court reporter Patricia Nelson pres. Def't
enters a plea of guilty to S1 07 Cr 995 information, Sentencing
control/date is set for 1/27/08 @ 11:00am. Def't cont'd
on bail.

Hellerstein, J